



REPUBLIC OF THE PHILIPPINES  
Sandiganbayan  
Quezon City

**SIXTH DIVISION**

**PEOPLE OF THE PHILIPPINES,**  
Plaintiff,

**SB-16-CRM-0728**  
For: Violation of Section 3(e),  
R.A. No. 3019

- versus -

**SB-16-CRM-0729**  
For: Violation of Article 286,  
Revised Penal Code

**GUILLERMO GACIS SO, ET AL.,**  
Accused.

Present:

**FERNANDEZ, SJ, J.**  
Chairperson  
**MIRANDA, J.** and  
**VIVERO, J.**

Promulgated:

**JUL 20 2018**

X-----K

**RESOLUTION**

**FERNANDEZ, SJ, J.**

This resolves the *Motion for Leave to File Demurrer to Evidence*<sup>1</sup> filed by accused Rick Francisco on June 20, 2018; together with the *Comment/Opposition*<sup>2</sup> filed by the prosecution on June 25, 2018.

Accused Francisco asks this Court to grant him leave of court to file demurrer to evidence on the ground that the prosecution failed to prove the elements of violation of Section 3(e), Republic Act No. 3019 and of Article 286 of the Revised Penal Code.<sup>3</sup>

<sup>1</sup> Dated June 20, 2018

<sup>2</sup> (Re: *Motion for Leave of Court to File Demurrer to Evidence*) dated June 25, 2018

<sup>3</sup> Motion for Leave to File Demurrer to Evidence dated June 20, 2018, p. 1

## RESOLUTION

People vs. Gacis So, et al.  
Criminal Case No. SB-16-CRM-0728 to 0729

Page 2 of 3

X-----X

Accused Francisco claims that:

- a) Not one of the 14 witnesses presented by the prosecution was able to establish accused Francisco's participation, or, the specific criminal act that he committed in relation to the closure of STASCO's office from March 1-6, 2009 and thereafter;<sup>4</sup>
- b) The Philippine Ports Authority took over in the collection of passenger and terminal fees when STASCO was closed down. Hence, collection continued, and STASCO did not suffer any injury or damage;<sup>5</sup> and,
- c) Prosecution witness Carlos Reyes has exonerated accused Francisco of the charge while witness Natalio Gaton, Jr. testified that it was the group of Gonoy Castillo, not accused Francisco, who actually closed down the office of STASCO.<sup>6</sup>

On the other hand, the prosecution argues for the denial of accused Francisco's *Motion for Leave to File Demurrer to Evidence*:

- a) The prosecution was able to prove the guilt of the accused beyond reasonable doubt as the existence of all the elements of the crime of Section 3(e), R.A. No. 3019 and grave coercion have been proven in the instant case;<sup>7</sup> and,
- b) The prosecution has sufficiently proved the existence of conspiracy among the accused.<sup>8</sup>

## RULING

After a careful study of the documentary and testimonial evidence submitted by the prosecution, the Court finds that, if unrebutted, the same is sufficient to support a verdict of guilt for violation of Section 3(e), R.A. No. 3019 and of Article 286, Revised Penal Code (Grave Coercion). The Court hereby **DENIES** the *Motion for Leave of Court to File Demurrer to Evidence* filed by accused Francisco.

This is without prejudice to the filing by the accused of his *Demurrer to Evidence*, without leave of court, but subject to the legal consequence provided under *Section 23, Rule 119 of the*

<sup>4</sup> Motion for Leave to File Demurrer to Evidence dated June 20, 2018, pp.1-2.

<sup>5</sup> Motion for Leave to File Demurrer to Evidence dated June 20, 2018, p. 2.

<sup>6</sup> Motion for Leave to File Demurrer to Evidence dated June 20, 2018, pp. 2-3.

<sup>7</sup> Comment/Opposition dated June 25, 2018, pp. 1 & 3.

<sup>8</sup> Comment/Opposition dated June 25, 2018, p. 3.

**RESOLUTION**

*People vs. Gacis So, et al.*  
*Criminal Case No. SB-16-CRM-0728 to 0729*

Page 3 of 3

X-----X

*Revised Rules of Criminal Procedure*, that is, he shall waive his right to present evidence and is submitting this case for judgment on the basis of the evidence adduced by the prosecution.

The accused is given a period of five (5) days from receipt of this Resolution within which to file his Manifestation, by personal filing and service or through courier, to inform this Court whether he will file a *Demurrer to Evidence*, without leave of court.

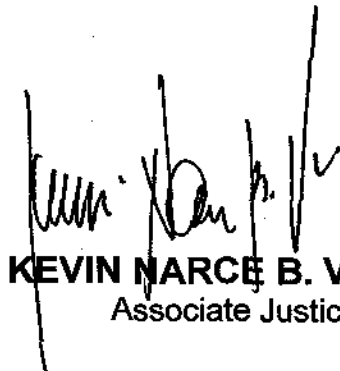
The hearings set for the accused to present his evidence on August 9 and 23; September 11; and October 10 and 24, 2018, all at 1:30 in the afternoon, are maintained. The said scheduled dates will be considered automatically cancelled upon receipt by the Court of the *Demurrer to Evidence* of the accused.<sup>9</sup>

**SO ORDERED.**

  
**SARAH JANE T. FERNANDEZ**  
Associate Justice  
Chairperson

**WE CONCUR:**

  
**KARL B. MIRANDA**  
Associate Justice

  
**KEVIN NARCE B. VIVERO**  
Associate Justice

<sup>9</sup> Pursuant to A.M. No. 15-06-10-SC, Revised Guidelines for Continuous Trial of Criminal Cases